

EXHIBIT E

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Attorneys for Plaintiffs and the Putative Class

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

KIMBERLEE WILLIAMS, et al.,

Plaintiffs,

vs.

BASF CATALYSTS, LLC, et al.,

Defendants.

HONORABLE JOSE L. LINARES

CIVIL ACTION NO. 11-1754 (JLL) (JAD)

**PLAINTIFFS' NOTICE TO TAKE
DEPOSITION PURSUANT TO FED. R.
CIV. P. 30(b)(6) TO DEFENDANT BASF
CATALYSTS, LLC.**

PLEASE TAKE NOTICE, that in accordance with Federal Rule of Civil Procedure 30(b)(6), videotaped testimony as permitted by Rule 30(b)(3)(A) will be taken by deposition upon oral examination before a person authorized by the laws of the United States or the State of New Jersey to administer oaths on **March 3, 2017 at 10:30 A.M.** at the offices of Cohen, Placitella & Roth, P.C., 127 Maple Avenue, Red Bank, NJ 07701, and continuing day to day until completed, with respect to all matters relevant to the subject matter involved in this action, at which time and

place you shall designate and produce those of Defendant's officers, directors, managing agents, or employees who are most qualified and consent to testify on its behalf as to those matters set forth in the notice under the heading "Designated Issues" to the extent of any information known or reasonably available to Defendants.

In addition, the undersigned requests that the DOCUMENTS described herein under the section entitled "Requests for Production of Documents" be produced pursuant to Federal Rules of Civil Procedure 30(b)(2) and 34. Plaintiffs request that Defendant produce the requested DOCUMENTS no later than ten (10) days prior to the deposition.

Plaintiffs further request that ten (10) days prior to the deposition, Defendants provide: (1) the name(s) and title(s) of the person(s) it will designate to give testimony; and (2) summaries of the areas in which each designated person will give testimony.

It is intended that this deposition will be videotaped and may be used at trial. Instant visual display and streaming internet technology may be utilized to stenographically record and convey the testimony.

DEFINITIONS

1. ALL DOCUMENTS are to be produced in their entirety.
2. "BASF" shall mean and include BASF Catalysts LLC and its predecessor company through merger, Engelhard Corporation.
3. **BASF SE** shall mean and include its BASF SE as well as its predecessor German stockholder entity, BASF AG, as well as including BASF SE's subsidiary companies BASF Catalysts, LLC and Iron Acquisition Corporation.
4. "Cahill" shall mean and refer to Cahill, Gordon & Reindel and its successor, Cahill, Gordon & Reindel, LLP.

5. **“Dembrow”** shall mean and refer to Defendant Ira J. Dembrow, Esq.
6. **“Dornbusch”** shall mean and refer to Defendant Arthur A. Dornbusch II, Esq.
7. **“EMTAL”** or **“Johnson Mine product”** as used herein shall mean and refer to all BASF talc products sold or talc ore under the brand name EMTAL®.
8. **“EMTAL ore”** or **“talc ore”** as used herein shall mean and refer to all talc ore mined and processed at the Johnson Mine.
9. **“EMTAL Claim”** or **“EMTAL Claims”** shall mean and refer to any claim, notice of claim, lawsuit, administrative action, arbitration, demand or request for indemnification or contribution, which involves, arises from, or is related to alleged harmful exposure to EMTAL talc ore or EMTAL finished product.
10. **“Engelhard”** shall mean and Engelhard Corporation, Engelhard Industries, Minerals & Chemicals Phillip Corporation, Eastern Magnesia Talc Company, Porocel Corporation and/or Pita Realty Limited.
11. **“Gale”** shall mean or refer to Peter N. Gale
12. **“Glassley”** shall mean or refer to Dr. William Glassley, Ph.D.
13. **“Halket”** shall mean and refer to Defendant Thomas D. Halket, Esq.
14. **“Johnson Mine”** shall mean and refer to the talc mine located in Johnson, Vermont owned and operated by BASF and from which mine’s ore EMTAL talc products were processed and manufactured.
15. **“Martin case”** shall mean and the case captioned *Theresa Martin, etc. vs Eastern Magnesia Talc Company, et al.*, filed in the Superior Court of Rhode Island.
16. **“Sloane”** shall mean and refer to Howard G. Sloane, A/K/A “Peter Sloane”.

17. “**Schwartz case**” shall mean and refer to the case captioned *Jacqueline Schwartz v. Eastern Magnesia Talc Company, et al.*, No. C-327-521, filed in the Superior Court of California.

18. “**Test results**” shall mean and refer to any and all measurement, investigation, analytical or assay findings of one or more items, persons, samples or environments, as well as documents relating to or embodying such findings. It also shall mean and include physical things relating to or concerning the findings such as photographs, micrographs, maps, diagrams, graphics, tables, and analytical apparatus or machine hardcopy output.

29. “**Triglia**” shall mean and refer to Emil J. Triglia.

20. “**Westfall case**” shall mean and refer to the United States District Court for the District of Rhode Island asbestos injury case captioned *Westfall v. Whittaker*, C.A. No. 79-0269.

DESIGNATED ISSUES

NOTICE IS FURTHER GIVEN that the deponent(s) will be deposed concerning the following topics:

1. Engelhard’s Record Retention Policies.
2. The documents subject to the March 7, 1984 memo from Glenn Hemstock attached hereto as Exhibit A.
3. The current location of the original documents that were collected as pursuant to the memo from Glenn Hemstock attached hereto as Exhibit A.
4. The destruction or loss of any of the original documents that were collected as pursuant to the memo from Glenn Hemstock attached hereto as Exhibit A.
5. The current location of all original depositions and original exhibits from the *Westfall* case.

6. The current location of all original documents related to the testing of EMTAL talc and ore from the Johnson Mine to determine the presence of asbestos.

7. The destruction or loss of any of the samples used in the testing of EMTAL talc and ore from the Johnson Mine to determine the presence of asbestos.

8. The current location of all samples used in the testing of EMTAL talc and ore from the Johnson Mine to determine the presence of asbestos.

9. The current location of all notes, samples, reports and photographs related to the testing by William Glassley in the *Westfall* case and the *Martin* case.

10. The destruction or loss of any and all notes, samples, reports and photographs related to the testing by William Glassley in the *Westfall* case and the *Martin* case.

11. The destruction or loss of any of the original depositions and original exhibits from the *Westfall* case.

12. The destruction or loss of any of the original documents related to the testing of EMTAL talc and ore from the Johnson Mine to determine the presence of asbestos.

13. The location and completeness of all original files related to lawsuits filed against Engelhard and BASF for injuries allegedly related to EMTAL talc.

14. The source of all documents produced by BASF/Cahill in this case.

15. The current location and chain of custody of EMTAL talc samples tested by RJ Lee Group, Inc. in 1993.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All original documents that were collected pursuant to the memo from Glenn Hemstock attached hereto as Exhibit A related to EMTAL talc of the Johnson Mine.

2. All original deposition transcripts from the *Westfall* case and the original exhibits marked at any deposition taken in the *Westfall* case.
3. All original documents related to the testing of EMTAL talc and ore from the Johnson Mine to determine the presence of asbestos.
4. All samples used in the testing of EMTAL talc and ore from the Johnson Mine, either by Engelhard or any third-party hired by Engelhard, to determine the presence of asbestos.
5. The complete original files of Dr. Glenn Hemstock concerning EMTAL
6. The complete original files of Mr. Emil Triglia concerning EMTAL.
7. The complete original files of Mr. T. Dixon Oulton concerning EMTAL.
8. All notes, samples, reports, photographs, and other print-outs related to the testing by William Glassley in the *Westfall* case, and the *Martin* case.

Dated: February 1, 2017

COHEN, PLACITELLA & ROTH, P.C.

/s/ Christopher M. Placitella

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Certificate of Service

I hereby certify that on February 1, 2017, I served the foregoing *Plaintiffs' Notice of Rule*

30(b)(6) Deposition on the following attorneys via Email:

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Dated: February 1, 2017

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